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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,944	01/10/2006	Reinhard Hering	2002P01302WOUS	1099

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EXAMINER
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ZETTL, MARY E

ART UNIT	PAPER NUMBER
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2875

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09/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/539,944	<b>Applicant(s)</b> HERING ET AL.	
	<b>Examiner</b> MARY ZETTL	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/31/2008</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. Due to the amendments to the claims, the drawings are now accepted.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6 and 9- 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cracraft et al. (US 5,698,826 A) in view of Cole (US 5,464,955 A).

Regarding claim 6, the recitation "A display device for household devices" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478,481 (CCPA 1951).

Further regarding claim 6, Cracraft et al. teaches a housing (11) for receiving a plurality of light-emitting elements (35, 36), the housing being at least partially covered by a film-type, partially translucent means, non-transparent (14) having a plurality of

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specific regions (one of the optional switch pads; col. 4, lines 60-63) and the light-emitting elements (36) being arranged in the housing (11) such that, during light emission, each light-emitting element only radiates through one of the specific regions of the translucent means (col. 4, lines 60-63 and mask openings, 42, controlling where the light is directed; col. 4, lines 40-55); and a pushbutton (optional switch pad; col. 4, lines 60-63) associated with each of the specified regions (Figure 1) for activating a corresponding one of the light-emitting elements (col. 4, lines 60-63).

Cracraft et al. does not disclose expressly the film-type means being non-transparent.

Cole teaches a display device for household devices including a housing (12) being at least partially covered by a film-type, partially translucent, non-transparent means (18; col. 4, lines 11-35; non-transparency due to the application of different colors).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Cracraft et al. such that the film-type was non-transparent (due to the application of different colors) as taught by Cole so as to serve as an additional means for identifying the different functions of the device.

Regarding claim 9, Cracraft et al. discloses the film-type partially translucent means (14) being embodied as one piece (Figure 1) and can be connected to the housing by means of form locking connections (col. 5, lines 20-38).

Cracraft et al. does not disclose expressly the means for connecting the housing being elevations which form a positive contact.

An "obvious to try" rationale may support a conclusion that a claim would have been obvious where one skilled in the art is choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success. "[A] person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely that product [was] not of innovation but of ordinary skill and common sense. In that instance the fact that a combination was obvious to try might show that it was obvious under § 103." KSR International Co. v. Teleflex Inc., 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1385, 1397 (2007). Also see MPEP 2154 X.

Therefore, one of ordinary skill in the art would have been motivated to have tried an inter-locking connection means (elevations which form a positive contact) as a means of attachment in the invention of Cracraft et al. since a person of ordinary skill has good reason to pursue known options within his or her technical grasp.

Regarding claim 10, Cracraft et al. discloses the film-like partially translucent means being comprised of plastic and the specific regions of the translucent means being accentuated with color (red diffusing tints, item 58, Figure 5; col. 4, lines 5-6).

Regarding claim 11, the recitation "A display device for household devices" has not been given patentable weight because the recitation occurs in the preamble. A

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preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478,481 (CCPA 1951). Further regarding claim 11, Cracraft et al. a discloses a housing (11) for receiving a plurality of light-emitting elements (35, 36), the housing being at least partially covered by a film-type, partially translucent means (14) having a plurality of specific regions (one of the optional switch pads; col. 4, lines 60-63) and the light-emitting elements (36) being arranged in the housing (11) such that, during light emission, each light- emitting element only radiates through one of the specific regions of the translucent means (col. 4, lines 60-63 due to masks 42); and actuation means (optional switch pad; col. 4, lines 60-63) associated with each of the specified regions (Figure 1) for activating a corresponding one of the light-emitting elements (col. 4, lines 60-63).

Cracraft et al. does not disclose expressly the film-type means being non-transparent.

Cole teaches a display device for household devices including a housing (12) being at least partially covered by a film-type, partially translucent, non-transparent means (18; col. 4, lines 11-35; non-transparency due to the application of different colors).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Cracraft et al. such that the film-type was non-transparent (due to the application of different colors) as taught by Cole so as to serve as an additional means for identifying the different functions of the device.

3. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cracraft et al. (US 5,698,826 A) and Cole (US 5,464,955 A) and further in view of Arterberry et al. (US 6,111,207 A).

Regarding claim 7, Cracraft et al. teaches the use of box-like recesses (for example see box like recess formed by 18 in Figure 4) in which the LEDs are arranged.

Cracraft et al. and Cole do not disclose expressly the housing comprising a thermoplastic material.

Arterberry et al. teaches a display device including a housing (150 being part of the housing; Figure 1) made of a thermoplastic material (col. 6, lines 42-44).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Cracraft et al. and Cole such that the housing was made of a thermoplastic material as taught by Arterberry et al. since it is well known that thermoplastic materials are relatively inexpensive and are easily manufactured into the desired shapes.

Regarding claim 8, Cracraft et al. teaches the light emitting elements (35, 36) being arranged in a box-like recess such that the region covering the box-like recess is completely illuminated (see Figure 4). Arterberry et al. also teaches the light emitting elements (92 and 192) being arranged in a box-like recess (formed in part by 60 and 150) such that the region covering the box-like recess is completely illuminated (see Figure 6).

4. Claims 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cracraft et al. (US 5,698,826 A) and Cole (US 5,464,955 A) and further in view of Zuber (CH 658225 A5).

Regarding claim 12, Cracraft et al. and Cole do not disclose expressly the actuation means being spaced from the housing for the lighting components.

Zuber teaches actuation means (11-17; Figure 1) spaced from the indicating means (4-10).

Cracraft et al., Cole, and Zuber do not disclose expressly separate housings for the actuation means and the lighting components.

An “obvious to try” rationale may support a conclusion that a claim would have been obvious where one skilled in the art is choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success. “[A] person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely that product [was] not of innovation but of ordinary skill and common sense. In that instance the fact that a combination was



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obvious to try might show that it was obvious under § 103.” KSR International Co. v. Teleflex Inc., 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1385, 1397 (2007). Also see MPEP 2154 X.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have tried a separate housing for the light emitting components of Cracraft et al., Cole, and Zuber so that the light emitting components were more easily accessible when replacement is needed and so that the heat dissipation of the LEDs could be dealt with in a grouped arrangement.

Regarding claim 13, Cracraft et al. and Cole do not disclose expressly the actuation means being located below the light emitting components.

Zuber teaches the actuation means (11-77) being located below the light emitting components (4-10).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have tried arranging the actuation means of Cracraft et al. and Cole below the light emitting components as taught by Zuber as such a conventional arrangement would be well recognized by the user.

Cracraft et al., Cole, and Zuber do not disclose expressly separate housings for the actuation means and the lighting components.

An “obvious to try” rationale may support a conclusion that a claim would have been obvious where one skilled in the art is choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success. “[A] person of ordinary

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skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely that product [was] not of innovation but of ordinary skill and common sense. In that instance the fact that a combination was obvious to try might show that it was obvious under § 103.” KSR International Co. v. Teleflex Inc., 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1385, 1397 (2007). Also see MPEP 2154 X.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have tried a separate housing for the light emitting components of Cracraft et al., Cole, and Zuber so that the light emitting components were more easily accessible when replacement is needed and so that the heat dissipation of the LEDs could be dealt with in a grouped arrangement.

Regarding claim 14, Cracraft et al. and Cole do not disclose expressly the translucent means not extending over the actuation means.

Zuber teaches a completely separate actuation means and therefore teaches the translucent means not extending over the actuation means.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have had the translucent means not extend over the actuation means as taught by Zuber for the purpose of providing an entirely distinct actuation means which makes it easier for the user to select the desired actuation means.

Regarding claim 15, Cracraft et al. and Cole do not disclose expressly the pushbuttons associated with the specified regions being located at a spacing from the housing.

Zuber teaches actuation means (11-17; Figure 1) spaced from the indicating means (4-10).

Cracraft et al., Cole, and Zuber do not disclose expressly separate housings for the actuation means and the lighting components.

An “obvious to try” rationale may support a conclusion that a claim would have been obvious where one skilled in the art is choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success. “[A] person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely that product [was] not of innovation but of ordinary skill and common sense. In that instance the fact that a combination was obvious to try might show that it was obvious under § 103.” KSR International Co. v. Teleflex Inc., 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1385, 1397 (2007). Also see MPEP 2154 X.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have tried a separate housing for the light emitting components of Cracraft et al., Cole, and Zuber so that the light emitting components were more easily accessible when replacement is needed and so that the heat dissipation of the LEDs could be dealt with in a grouped arrangement.

Regarding claim 16, Cracraft et al. and Cole do not disclose expressly the pushbuttons associated with the specified regions being located at a spacing below the housing.

Zuber teaches the actuation means (11-77) being located below the light emitting components (4-10).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have tried arranging the actuation means of Cracraft et al. and Cole below the light emitting components as taught by Zuber as such a conventional arrangement would be well recognized by the user.

Cracraft et al., Cole, and Zuber do not disclose expressly separate housings for the actuation means and the lighting components.

An “obvious to try” rationale may support a conclusion that a claim would have been obvious where one skilled in the art is choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success. “[A] person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely that product [was] not of innovation but of ordinary skill and common sense. In that instance the fact that a combination was obvious to try might show that it was obvious under § 103.” KSR International Co. v. Teleflex Inc., 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1385, 1397 (2007). Also see MPEP 2154 X.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have tried a separate housing for the light emitting

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components of Cracraft et al., Cole, and Zuber so that the light emitting components were more easily accessible when replacement is needed and so that the heat dissipation of the LEDs could be dealt with in a grouped arrangement.

Regarding claim 17, Cracraft et al. and Cole do not disclose expressly the film-type partially translucent means not extending over the pushbuttons.

Zuber teaches a completely separate actuation means and therefore teaches the translucent means not extending over the actuation means.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have had the translucent means not extend over the actuation means in the invention of Cracraft et al. and Cole as taught by Zuber for the purpose of providing an entirely distinct actuation means which makes it easier for the user to select the desired actuation means.

### ***Response to Arguments***

Applicant's arguments with respect to claims 6-17 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARY ZETTL whose telephone number is (571)272-6007. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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MZ

/Mary Zettl/

/Sharon E. Payne/

Primary Examiner, Art Unit 2875